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A-65635-1/RMS/DHR

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Cofm
2-4-02IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NOLAN et al.

SERIAL NO.: 09/135,238

FILING DATE: 17 August 1998

FOR: TOSO

Examiner: R. Shukla, Ph.D.

Art Unit: 1632

NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND
INTERFERENCES

AND

PETITION FOR EXTENSION OF TIME

CERTIFICATE OF TRANSMISSION VIA U.S. MAILI hereby certify that this correspondence, including listed enclosures,
is being deposited with the United States Postal Service as First Class
Mail in an envelope addressed to: Assistant Commissioner for Patents,
BOX AF, Washington D.C. 20231

Dated: 4 February 2002

Signed: Gail Diehl
Gail DiehlAssistant Commissioner for Patents
BOX AF
Washington, DC 20231

Sir:

■ Applicant hereby appeals to the Board of Patent Appeals and interferences from the decision dated
2 August 2002 of the Examiner rejecting claims 35-48 and withdrawing claims 41-44.

■ Applicant hereby petitions for an Extension of Time and encloses the fee:

3 Months (Small Entity) \$460.00

Extension of Time Total: \$460.00

■ The fee for filing this Notice of Appeal (37 CFR §1.17(e)) is enclosed:

Notice of Appeal Fee (Small Entity) \$160.00.

Notice of Appeal Total: \$160.00

■ Other:

Other Fees Total: \$ 0

02/26/2002 JADD01 00000038 09135238

01 FC:217 460.00 OP
02 FC:219 160.00 OP

TOTAL FEES \$620.00

SERIAL NO.: 09/135,238
FILING DATE: 17 August 1998

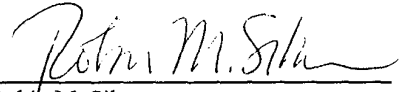
■ Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

■ A check for the amount of **TOTAL FEES DUE** indicated above (\$620.00).

■ The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 06-1300 (A-65635-1/RMS/DHR).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



Robin M. Silva
Reg. No. 38,304

Dated: 2/4/02

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